

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE WESTERN DISTRICT OF OKLAHOMA

3 TROY D. GERMAN)
4 Plaintiff,)
5 -vs-) No. CIV-19-751-F
6 BILLY D. "RUSTY" RHOADES,)
7 individually; MICHAEL HARRELL,)
8 individually; BRIAN ORR,)
9 individually; and MEGAN SIMPSON,)
10 individually,)
11 Defendants.)
12 _____)

13

14

15

16 DEPOSITION OF BILLY DON "RUSTY" RHOADES, III

17

18 TAKEN ON BEHALF OF THE PLAINTIFF

19

20 IN OKLAHOMA CITY, OKLAHOMA

21

22 ON SEPTEMBER 17, 2020

23

24 COMMENCING AT 9:38 A.M.

25

26 INSTASCIPT, LLC.

27 125 PARK AVENUE, LL

28 OKLAHOMA CITY, OKLAHOMA 73102

29 (405) 605-6880

30 www.instascript.net

31

32 REPORTED BY: LORI JOHNSTON HARSTAD, CSR, RPR, RSA

1 A I am not sure I understand your question.
2 Q Are you familiar with the Oklahoma Personnel
3 Act?

4 A Yes.

5 Q What is your understanding of the Oklahoma
6 Personnel Act, just in general? I am not asking for a
7 legal definition.

8 A It's a generalized set of rules for employment.

9 Q With the state?

10 A Yes.

11 Q Do you agree that it violates the Oklahoma
12 Personnel Act for someone, who has knowledge of test
13 questions, to tell that information to a candidate in OHP?

14 MR. GASKINS: Object to the form.

15 MR. YAFFE: Object to the form.

16 THE WITNESS: Yes.

17 Q (By Mr. Bowers) You agree that that would be
18 unlawful?

19 MR. GASKINS: Object to form.

20 THE WITNESS: Yes.

21 Q (By Mr. Bowers) You knew that in 2018?

22 A Yes.

23 Q In 2018, did you take part in a conversation
24 with then Chief of the Patrol Mike Harrell and Brian Orr
25 while you and Chief Harrell were driving in a Tahoe?

1 called. I go in to get my hair cut, I come out
2 and call you. So... And, of course, you know, I
3 am -- yeah. I am writing down what he's saying,
4 you know. And, of course, I am just scribbling it
5 down as he's going. And, of course, that was what
6 he talked about there. And, of course, I can't
7 read my writing upside-down. So trooper killed in
8 the line of duty, Signal 1 plan. He said
9 discipline. And, of course, this is what I wrote
10 down. And I actually found that in policy."

11 Do you see that?

12 A Yes.

13 Q So there, Lieutenant Orr says that he -- and
14 he's referring to Chief Harrell -- told him about trooper
15 killed in the line of duty.

16 Do you see that?

17 A Yes.

18 Q And if you look at Exhibit Number 2, a page
19 that's marked GERMAN 309, the top of that says "Oklahoma
20 Highway Patrol Captain Promotional Interviews Troop A July
21 2018."

22 Do you see that?

23 A Hang on. What page did you say?

24 MR. GASKINS: 309.

25 THE WITNESS: 309?

1 MR. BOWERS: It's the second page of the
2 document. Right there. Okay?

3 Q (By Mr. Bowers) And do you see at the top where
4 it says "Captain Promotional Interviews"?

5 A Yes.

6 Q Would you read that question into the record?

7 A "You are the troop commander of Troop A when
8 you get a phone call from one of your supervisors
9 that a trooper was killed in the line of duty.

10 Per OHP Policy 02.24.00, the Chief of Patrol
11 assigns you as the incident commander. Explain to
12 the board what your role is and give a summary of
13 your duties as incident commander."

14 Q So the first thing that Brian Orr says he was
15 told, trooper killed in the line of duty, that's one of the
16 questions that was on the exam that he took to become a
17 Captain in Troop A. Correct?

18 A Yes.

19 Q Just -- is that just a lucky guess for Chief
20 Harrell?

21 MR. YAFFE: Object to the form.

22 MR. GASKINS: Object to form.

23 THE WITNESS: I don't know. You would have to
24 ask Chief Harrell.

25 Q (By Mr. Bowers) Well, I am asking you, sir.

1 whether or not Chief Harrell and Brian Orr cheated on that
2 exam?

3 MR. GASKINS: Object to form.

4 THE WITNESS: I was in the car. I knew what he
5 said.

6 Q (By Mr. Bowers) When you were in the car, did
7 you know that Chief Harrell was aware of what the questions
8 on the test were going to be?

9 A Yes.

10 Q All right. So go with me on that transcript.
11 Still on page 2 of the document, but page 4 of the
12 transcript, that same section we were looking at. So
13 trooper killed in the line of duty. The next thing Brian
14 Orr says is Signal 1 plan.

15 Do you see that?

16 A Yes.

17 Q Looking at that test question packet, sir, what
18 is the next question that those candidates were asked in
19 the Troop A July 2018 captain promotional review?

20 A Are you asking me to read it?

21 Q Yes, sir.

22 A "Per OHP Policy 06.02.00, the troop commander
23 shall take steps to ensure all patrol personnel
24 provide a quick and efficient response to an
25 incident for the Signal 1 plan. Explain what the

1 Signal 1 plan is and what the steps include."

2 Q So again we see the exact information that
3 Lieutenant Orr was provided by Chief Harrell was on the
4 exam?

5 MR. YAFFE: Object to the form.

6 MR. GASKINS: The same.

7 THE WITNESS: He was told to study policy
8 regarding that.

9 Q (By Mr. Bowers) The next thing, on page 4 of
10 the transcript, Brian Orr says: "He said discipline."

11 If you go with me back to that Exhibit 2,
12 what's the next question that those candidates were asked?

13 A "OHP defines discipline as informal or formal
14 action to correct infractions or statute, rule,
15 policy, practice or procedure regarding work
16 performance or behavior. Per OHP Policy 01.31.00,
17 explain to the board what the levels of action are
18 under the disciplinary matrix."

19 Q Looking back at page 4 of that transcript, if
20 you go down to line 22, would you read into the record what
21 this transcript shows that Brian Orr said from lines 22
22 through 25?

23 A On page 4 section?

24 Q Yes, sir.

25 A "Brian Orr: Yes. The way he put it out, he

1 says, 'Before you do this, take a deep breath and
2 give about a two-minute presentation on a safety
3 traffic plan or traffic safety plan.' "

4 Q What's the final question that those candidates
5 were asked in that exam?

6 A "The troop commander of Troop A is responsible
7 for the largest troop in the state. You will be
8 participating in troop meetings, conferences,
9 seminars and delivering safety talks to various
10 groups as stated in OHP policy 02.10.00. At this
11 time, take 30 seconds to gather your thoughts and
12 deliver to the board approximately a two-minute
13 traffic safety speech regarding Troop A."

14 Q And that's the very information that Chief
15 Harrell gave to Brian Orr. Correct?

16 MR. YAFFE: Object to the form.

17 MR. GASKINS: Same.

18 THE WITNESS: According to Orr. I didn't hear
19 all of that. I told you what I heard.

20 Q (By Mr. Bowers) You heard Chief Harrell say
21 "take a deep breath." Right?

22 A Uh-huh. Yes.

23 Q Did you hear Chief Harrell say "Give a
24 two-minute presentation on a traffic safety plan"?

25 A I didn't hear that.

1 Q That's pretty specific, isn't it?

2 MR. GASKINS: Object to the form.

3 THE WITNESS: Are you saying -- trying to say
4 it's the same thing?

5 Q (By Mr. Bowers) Yes, sir.

6 A Yeah.

7 Q Yeah.

8 So as you sit here today, do you deny that
9 Chief Harrell and Brian Orr cheated on that promotional
10 exam?

11 MR. GASKINS: Object to form.

12 MR. YAFFE: Same objection.

13 THE WITNESS: Yes.

14 Q (By Mr. Bowers) Sir, how can you deny that when
15 you just looked at the transcript of Brian Orr providing
16 the -- getting the same four questions, almost exactly,
17 that were on the test from the Chief of the Patrol?

18 MR. GASKINS: Object to form.

19 MR. YAFFE: Same.

20 THE WITNESS: Because there was no cheating.

21 Q (By Mr. Bowers) So here's what I don't
22 understand, sir. Chief Harrell knew the questions. You
23 have told me that. Right?

24 A Yes.

25 Q Chief Harrell told Brian Orr what areas to

1 study?

2 A Yes.

3 Q The areas that Chief Harrell told Brian Orr to
4 study were the exact four areas that he was then asked
5 about on the exam that same day. Right?

6 MR. GASKINS: Object to form.

7 THE WITNESS: Yes. I don't know what day, but
8 if you say the same day.

9 Q (By Mr. Bowers) Whenever the exam was, the very
10 questions that Chief Harrell provided to Lieutenant Orr
11 were on the exam?

12 MR. YAFFE: Object to the form.

13 MR. GASKINS: The same.

14 THE WITNESS: The Chief told him areas to
15 study.

16 Q (By Mr. Bowers) The specific areas that were on
17 the exam?

18 A Is that a question or a statement?

19 Q Yes, sir. It's a question.

20 A Yeah.

21 MR. YAFFE: Object to the form.

22 MR. GASKINS: Yeah. Same.

23 Q (By Mr. Bowers) How is that not cheating?

24 A There were no answers to the questions
25 involved. Throughout my entire career, when I was a young

1 MR. GASKINS: Object to form.

2 THE WITNESS: It could be helpful. Yes.

3 Q (By Mr. Bowers) Isn't that special information
4 that other candidates wouldn't know?

5 MR. GASKINS: Object to form.

6 THE WITNESS: They could know it from other
7 sources. I don't know.

8 Q (By Mr. Bowers) Well, the OHP doesn't post the
9 questions that will be asked in these interviews
10 beforehand, do they?

11 A No.

12 Q In fact, the OHP takes a lot of steps in normal
13 circumstances to guard the secrecy of those questions.

14 Right?

15 A Yes.

16 Q Why would you bother guarding the secrecy of
17 the questions if it's okay to tell people, to tell Brian
18 Orr, what the questions were?

19 MR. YAFFE: Object to the form.

20 MR. GASKINS: Object to form.

21 THE WITNESS: State that again.

22 Q (By Mr. Bowers) My question is, if it's not a
23 problem for Chief Harrell to call Brian Orr and tell him
24 what the four precise questions are because he didn't give
25 him the answers, why bother protecting the secrecy of the

1 Q And when you had a conversation with Kevin
2 Stitt about your allegation of blackmail against Troy
3 German, was any person other than you and Governor Stitt
4 present?

5 A In the second meeting, no. It was just me and
6 the Governor. The first meeting, Junk may have been in
7 there. I don't recall.

8 Q The second meeting that was just with the
9 Governor, was that before or after you were confirmed in or
10 around May of 2019?

11 A After.

12 Q What did you tell Kevin Stitt about your
13 allegation of blackmail against Troy German?

14 MR. GASKINS: I will object under the executive
15 privilege.

16 Q (By Mr. Bowers) So I want to rewind in time a
17 little bit. We have been getting into 2019, and I want to
18 go back into the time period of 2018. Okay?

19 After the conversation that took place in the
20 Tahoe with you, Chief Harrell, and Brian Orr on the
21 telephone, did you then have three meetings with Troy
22 German in 2018?

23 A Yes.

24 Q Okay. The first meeting occurred in your
25 office. Is that true?

1 A True.

2 Q Tell me everything you can remember that Troy
3 German said to you and that you said to him during that
4 first meeting in your office.

5 MR. YAFFE: Object to the form.

6 MR. GASKINS: Same.

7 THE WITNESS: After most people had gone home
8 that day, it was probably 5:00 p.m., a little bit after, my
9 secretary -- I was still in the office. My door was
10 closed. My secretary knocked on the door and poked her
11 head in and said Troy German was here to see me. And I
12 said, "What does he want?"

13 And she said, "He said something about he's
14 going to Washington D.C. and he wants to talk to you about
15 the legislative agenda," which I found odd for a couple of
16 reasons. One, I had no federal legislative agenda. And if
17 I did, I would handle it or I would have my legislative
18 liaison handle it. Secondly, I also knew that German,
19 earlier that day, had been in the chief's office and was
20 potentially facing discipline for insubordination of lying
21 to the Chief of the Patrol. So I found the timing odd, but
22 I told him to come on in.

23 He sat down. He started talking about some
24 legislative stuff, seeing if I wanted anything, needed
25 anything. And then he changed the topic, which obviously

1 then became clear to me why he actually wanted to come into
2 my office. And he had -- it was a portfolio I guess, kind
3 of like he has there. (Indicating.) I don't know if it's
4 the same one or not. It was leather-bound. And he said he
5 had information of impropriety involving Brian Orr and the
6 Chief of the Patrol regarding the last promotional process
7 which Orr was promoted.

8 He said that Chief had called Orr and didn't --
9 he didn't give a lot of detail at first. So I just kind of
10 listened. And he said -- he acted like he had a piece of
11 paper under his hand. He kind of slid it out away from
12 that portfolio and said, "I have subpoenaable" -- and that
13 was his word -- "evidence of these improprieties, but I
14 don't want to talk about that right now. We will just keep
15 that between you and me." He kind of acted like he was
16 sliding that piece of paper back. (Indicating.)

17 He told me, he said, "Don't tell Harrell or Orr
18 that you and I are having this conversation," that he had
19 this information, and if I did tell them, that he would
20 know because they would treat him differently.

21 So I -- and I -- I told him, I said, "I was in
22 the car. That didn't happen."

23 He got very upset when I said that. He either
24 said, "Don't go there" or "don't do that." It was a
25 "don't" and kind of -- I couldn't really understand what he

1 was saying, but it was "don't do that."

2 I thought man, I am going to have a fight in my
3 office. He was like enraged that I would say that. So I
4 just sat back and listened. He talked about -- Troy talked
5 about how he was very disliked throughout the highway
6 patrol. He had a reputation for dishonesty. People hated
7 him, and he didn't think he had any opportunity to proceed
8 in the ranks of the patrol. He kept saying he wanted to be
9 an agent of change but he knew he couldn't do that on the
10 patrol because nobody liked him and he didn't think he
11 would have any opportunities.

12 Then he said he wanted me to assist him --
13 because of that, he wanted to be an agent of change in
14 state government. So he wanted me to assist him with the
15 new incoming governor at that time, whoever it was going to
16 be, help him receive the appointment to the Director of
17 Emergency Management. I thought okay.

18 And as he's having this conversation, you have
19 to understand, I am very aware, very personally aware of
20 Troy's history, the things he's done in the past. I am
21 very familiar with his reputation of dishonesty. I am very
22 familiar with the dislike that people throughout the patrol
23 have for Troy. And this conversation made me very nervous
24 because, in 2009, I was actually a collateral damage. I
25 was a victim then as well to Troy and a group of others'

1 actions that ended up in the literally unpromoting of
2 myself and Russell Maples to the rank of major.

3 Again, we were collateral damage. We weren't
4 the target, I presume. But it was the same type of
5 allegation, same playbook, that there had been
6 improprieties and that the only reason I got promoted --
7 the allegation was the only reason I got promoted was
8 because I was Kevin Ward's best friend, Commissioner Ward's
9 best friend, which certainly wasn't true, and that Russell
10 Maples only got promoted because he was black.

11 That was all over Fox 25. It was a horrible
12 time for the highway patrol. I don't know -- I know those
13 part of the allegations were false, because that is not the
14 reason we got promoted. There were other allegations. I
15 don't know what else was going on in that realm. But that
16 made me very aware that Troy was part of a group of people
17 that was willing to hurt other people with dishonesty so
18 they could get what they wanted.

19 Q Who was all part of this group of people that
20 would hurt others with dishonesty?

21 A I know Trent Pettigrew was very openly a part
22 of it. He was kind of the face of it as well.

23 Q Ultimately, Trent Pettigrew brought two
24 lawsuits against DPS. Is that true?

25 A I don't know how many or what. I don't know

1 the resolution of them.

2 Q Well, you know the resolution of one that you
3 testified in. Correct?

4 A I don't guess I do. No.

5 Q You testified in one of his jury trials.
6 Correct?

7 A I believe so. I guess so. Yeah.

8 Q Do you recall I asked you questions during that
9 trial?

10 A Okay.

11 Q Do you recall that that trial had to do with
12 promotional -- promotions of Trent Pettigrew where you and
13 others were accused of retaliating against him?

14 A I didn't know I was accused of retaliating
15 against him.

16 Q You were the chair of one of the promotional
17 boards that he tried to get a promotion to major on.

18 A Correct?

19 A I don't recall that. If you say it and that
20 was part of the trial, then okay.

21 Q You didn't know what the result of that trial
22 was?

23 A No.

24 Q Never found that out?

25 A No.

1 Q Did you know that Trent Pettigrew brought a
2 lawsuit against DPS related to the promotion of you and
3 Russell Maples?

4 A Well, that's what I presumed we were talking
5 about.

6 Q You know how that lawsuit resolved itself?

7 A I do not. I know Maples and I were repromoted.

8 Q So you brought a lot of that stuff up, but that
9 wasn't responsive to my question.

10 My question to you was what did Troy German say
11 to you and what did you say to him, not what was your
12 opinion of Troy German.

13 MR. YAFFE: Object to the form.

14 MR. GASKINS: Same.

15 Q (By Mr. Bowers) So I want to have you focus on
16 the question I asked, not the question you would like to
17 answer.

18 MR. YAFFE: Object to the form.

19 MR. GASKINS: Object to form.

20 THE WITNESS: My response was simply to give my
21 state of mind as to why I said what I said. So leading to
22 that, the reason I said that, it scared me. I was aware of
23 these things. So I told Troy I didn't know -- I mean, I
24 didn't know what to do. I knew he was capable of doing
25 those kinds of things.

1 So I told him if there was anything I could do
2 to help, let me know. I think there was even discussion
3 about him sending me a résumé, which he did. So then that
4 was -- that was that meeting.

5 Q (By Mr. Bowers) Can you remember anything else
6 that you said to him?

7 A I did -- I did tell Troy that -- let me back
8 up. I am glad you said that.

9 I did ask Troy specifically what the allegation
10 was. He told me that he knew that I was in the vehicle,
11 the Tahoe, when Chief Harrell called Brian Orr and gave him
12 the questions and the answers. And I told him, I said,
13 "That did not happen. I was there." There was nothing
14 else that I can think of on that.

15 Q Can't think of anything else that he said or
16 that you said during that conversation?

17 A There was a lot of that type of conversation.
18 I mean, there was -- it was a long meeting.

19 Q And I am just trying to exhaust what you can
20 remember so that we don't hear something different at
21 trial.

22 A That's what I remember.

23 Q Okay. After that meeting, did you walk away
24 with the definite feeling that you were being blackmailed?

25 A Yes.

1 Q What did you do about it?

2 A Nothing.

3 Q Did you then have a second meeting with Troy
4 German offsite?

5 A Yes. Troy requested another meeting, so I met
6 with him.

7 Q Where did the second meeting take place?

8 A At Charleston's on the Kilpatrick Turnpike.

9 Q Do you recall when that meeting was?

10 A It was on September 11th.

11 Q Of 2018?

12 A Yes.

13 Q Who all was present at that meeting?

14 A Myself and Troy.

15 Q Did you bring anyone from the OHP to witness
16 that meeting?

17 A No.

18 Q Did you notify Troop Z before that meeting
19 occurred?

20 A No.

21 Q Tell me everything you can remember that you
22 said and he said during that meeting.

23 MR. YAFFE: Object to the form.

24 MR. GASKINS: Object to form.

25 THE WITNESS: So we sat at a booth. Troy kind

1 paper in the side pocket of my tactical pants.

2 He got very frustrated with me and basically
3 ended the meeting. He stood up after I said, "I am not
4 going to do it, I can't do it, it's not right." He stood
5 up and gathered his stuff up and started walking away. As
6 he started walking away, I thought here goes. He is going
7 to go pull the trigger on what he's going to do. Again, as
8 I stated earlier, I have seen what he and people he's
9 associated with are capable of. So I was fearful for my
10 future because -- based on the lies that he had generated.

11 So I said, "Troy, wait." He instantly stopped.
12 He had just passed me. I said, "Come back." He came back.
13 And as he was walking past me, I said, "Troy, are you
14 telling me to promote you to major?"

15 He said, "I just want a chance."

16 As he started to sit down, as he was sitting
17 down, I said, "Troy, are you telling me to promote you to
18 major?"

19 His exact word was "yes."

20 And again I said, "Troy, I am not going to do
21 that. It's not the right thing to do." And he again -- I
22 have never seen this type of anger in someone's eyes. He
23 came across the small Starbucks table, and we were face to
24 face, almost nose to nose. He had this most intense hatred
25 glare I have ever seen. I have been a trooper 30 years,

1 MR. YAFFE: Object to the form.

2 MR. GASKINS: Object to form.

3 THE WITNESS: I don't know how fair it is. I
4 am not going to say it's a fair statement.

5 Q (By Mr. Bowers) So this final meeting occurs
6 around September 28th, 2018. Is that right?

7 A Yes.

8 Q In mid-November of 2018, you got a phone call
9 from Chip Keating. Correct?

10 A Yes.

11 Q Before that phone call from Chip Keating, did
12 you have any discussions with any person about these three
13 conversations you had with Troy German?

14 A No.

15 Q Did you have any discussions with any person in
16 that time frame about Troy German's allegations of
17 cheating?

18 A No.

19 Q So tell me what Chip Keating said when he calls
20 you in mid November 2018.

21 A When he called, he said that Pro Tem Treat had
22 just called him and said that Troy had approached Treat
23 staff -- I believe it was Chief of Staff, Ashley Kehl, and
24 had allegations of cheating and improprieties within our
25 promotional system involving me and the chief and I think

1 he said Orr.

2 I gave him a quick rundown of what happened,
3 very quick synopsis. He told me I would need to talk to
4 Treat. I told him I would absolutely talk to Treat if
5 asked to. That was the end of that conversation.

6 Q Do you remember anything else that he said to
7 you or you said to him during that conversation?

8 A Not as I sit here. No.

9 Q Did you have any text message communications
10 with Chip Keating about that subject matter?

11 A I don't remember.

12 Q After you had this conversation with Chip
13 Keating, what did you then do next?

14 A We had actually been in a director meeting when
15 Chip called. I stepped out. I walked in, told everybody I
16 am canceling the rest of the meeting, and had Megan come
17 into my office.

18 Q What is a directors meeting?

19 A All the directors within DPS, the internal
20 directors of different divisions, we had a monthly meeting.

21 Q Who all was in that -- who all would that have
22 been?

23 A Directors. I don't -- I can't remember who all
24 was in there. So I would be guessing if I said any names.
25 There's the normal group, but I would be guessing if I said

1 allegation of giving the answers was not true. So as a
2 whole, to me, his allegation was absolutely -- was false,
3 that Orr was not given the questions and the answers. So I
4 knew that he hadn't been given the answers to anything. He
5 was just given general areas to study.

6 Q (By Mr. Bowers) Didn't Chief Harrell, in fact,
7 tell Brian Orr that, when he studied discipline, that he
8 needed to look at the five levels of discipline?

9 A I don't -- I don't recall that.

10 Q That's -- that's an answer to one of those
11 questions. Right?

12 A As you said it, yes. But I don't know if he
13 said that or not.

14 Q Well, let's look at Exhibit Number 2, which is
15 the test. And let's look at question number 3, which is
16 page German 311 on the bottom right.

17 Have you found that page, sir?

18 A Yes.

19 Q We went over that question earlier, and it
20 talks about discipline. The benchmarks are the different
21 levels of discipline. Is that true?

22 A Yes.

23 Q "Benchmarks," that means the answers. Is that
24 right?

25 A Yes.

1 Q And it has five specific levels. True?

2 A Yes.

3 Q Now let's go back to Exhibit Number 1. I am
4 going to direct you to -- it's page number 5 of the
5 transcript, but page 14 on the four sections. And you see,
6 on line 6, Brian Orr says: "Of course, he said five,"
7 talking about the level of discipline. And you can
8 certainly go back to page 13 to see a little bit more
9 context of that conversation.

10 But you agree there that Brian Orr was provided
11 with an answer to the test question. Correct?

12 MR. YAFFE: Object to the form.

13 MR. GASKINS: Object to form.

14 THE WITNESS: No.

15 Q (By Mr. Bowers) So when Chief Harrell told
16 Brian Orr that you've got to look at the five levels of
17 discipline, that wasn't providing him with an answer?

18 A I didn't hear "five levels of discipline." You
19 would have to ask that of the Chief or Orr. All I heard
20 was "policies involving discipline."

21 Q Well, if Chief Harrell did, in fact, tell Brian
22 Orr "You need to know the five levels," that would be
23 providing him with the specific answer that was on the
24 test?

25 A Presumptive, but if he did -- again, areas to

1 A What had happened.

2 Q Okay. Tell me what you told him happened.

3 A I told him about the three meetings, that there
4 were multiple texts with Troy trying to get me to meet him
5 places.

6 Yeah. I just gave him those pieces of -- those
7 facts, those pieces of information.

8 Q Did you tell Captain Holt that Troy German
9 asked you to promote him to major?

10 A Yes.

11 Q And did you make it clear to Captain Holt that
12 that was in exchange for German not releasing this
13 subpoenaable information?

14 A Yes.

15 Q Did you tell Captain Holt that Troy German had
16 also sought your assistance in obtaining the position of
17 Director of Emergency Management in exchange for not
18 releasing this subpoenaable information?

19 A Yes.

20 Q Did you -- did you sign any affidavit of
21 probable cause or any affidavit at all to get this
22 investigation started?

23 A There may have been an e-mail -- I don't recall
24 -- directing him to open an investigation.

25 Q But in terms of initiating the investigation,